

REMARKS/ARGUMENTS

In the Office Action mailed April 15, 2010 (hereinafter, "Office Action"), claims 18-20 were rejected under 35 U.S.C. § 101. Claims 1-3, 5-6 and 8-20 were rejected under 35 U.S.C. § 102(b). Claims 4 and 7 were rejected under 35 U.S.C. § 103(a). By this paper, claims 1, 13, 15 and 18-20 are being amended.

Applicant respectfully responds to the Office Action.

I. Claims 18-20 Rejected Under 35 U.S.C. § 101

Claims 18-20 stand rejected under 35 U.S.C. § 101. Specifically, the Office Action indicated that these claims could cover a transitory medium, such as a "signal," and thus the claims read on non-statutory subject matter. (Office Action, page 2.) By this paper, claims 18-20 have been amended to clarify that the computer-readable medium is a "non-transitory computer-readable medium." Accordingly, Applicant respectfully requests that the rejection of claims 18-20 under 35 U.S.C. § 101 be withdrawn.

II. Claims 1-3, 5-6 and 8-20 Rejected Under 35 U.S.C. § 102(b)

Claims 1-3, 5-6 and 8-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,647,402 to McBrearty et al. (hereinafter, "McBrearty"). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Independent claim 1 has been amended to recite “determining whether the connection is identified in the authorized connection list without identifying a desired file.” Support for this claimed subject matter is found in paragraphs [0046]-[0047] of the filed specification.

Applicant respectfully submits that McBrearty does not disclose “determining whether the connection is identified in the authorized connection list without identifying a desired file,” as recited in amended claim 1.

McBrearty discloses “a system, method and program for protecting data files from being stolen or compromised.” (McBrearty, col. 2, lines 46-48.) Specifically, “[w]hen a user requests a file ... a determination is made ... as to whether the user is authenticated, i.e. his ID matches the ID of [an] authorized user,” and “[i]f Yes, the user is granted access to the requested file” and “[i]f No, then the user is refused access to the file.” (McBrearty, col. 5, lines 58-63.) If there are repeated failures at authorization for the specific file, the system determines that there is a potential intruder trying to access the file. (See McBrearty, col. 4, lines 35-43.) Other ways for determining that a hacker is trying to access the file may also be used. (See McBrearty, col. 6, lines 4-8.) After this potential intrusion is determined, the “target file is renamed” with a name that does not give “information about the contents of the file,” and the “whole file is then moved ... to another hidden or covert directory.” (McBrearty, col. 6, lines 10-17.)

Thus, the method described by McBrearty involves a user making a “request” for a particular file, and then a determination is made whether the user has authorization to access that particular file. (McBrearty, col. 5, lines 57-63.) The specific file in McBrearty is identified in the request, and then using this identified file, a comparison is made regarding the level of authorization needed to access the identified file and the level of authorization associated with the user ID. (See *id.*) Having the file identified in the request (and then used to determine whether the level of authorization is sufficient) does not satisfy the requirement in amended claim 1 that the step of “determining whether the connection is identified in the authorized connection list” is performed “*without identifying a desired file.*” McBrearty identifies the file as part of the submitted request, whereas the present amended claim 1 recites that the connection list is reviewed to determine whether the connection is identified

in the authorized connection list. There is no disclosure in McBrearty that the system will look up whether a particular connection is authorized in a connection list without knowing the identity of the requested file. Accordingly, McBrearty fails to disclose “determining whether the connection is identified in the authorized connection list *without identifying a desired file*,” as recited in amended claim 1.

For at least the foregoing reasons, Applicant respectfully submits that amended claim 1 is allowable. Claims 2-3, 5-6 and 8-12 depend from claim 1, and are therefore allowable for at least the same reasons as claim 1.

Claim 13 recites “determin[ing] whether the connection is identified in the authorized connection list without identifying a desired file.” As discussed above, McBrearty does not disclose this claimed subject matter. Accordingly, Applicant respectfully submits that amended claim 13 is allowable. Claim 14 depends from claim 13, and is therefore allowable for at least the same reasons as claim 13.

Claim 15 recites instructions executable to “determine whether the connection is identified in the authorized connection list without identifying a desired file.” As discussed above, McBrearty does not disclose this claimed subject matter. Accordingly, Applicant respectfully submits that amended claim 15 is allowable. Claims 16 and 17 depend from claim 15, and are therefore allowable for at least the same reasons as claim 15.

Claim 18 recites instructions executable to “determine whether the connection is identified in the authorized connection list without identifying a desired file.” As discussed above, McBrearty does not disclose this claimed subject matter. Accordingly, Applicant respectfully submits that amended claim 18 is allowable. Claims 19 and 20 depend from claim 18, and are therefore allowable for at least the same reasons as claim 18.

III. Claim 4 Rejected Under 35 U.S.C. § 103(a)

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McBrearty in view of U.S. Patent Application Publication No. 2003/0056095 to Elliott et al. (hereinafter,

“Elliott”). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

Claim 4 depends from claim 1. As discussed above, Applicant respectfully submits that claim 1 is allowable. Accordingly, Applicant respectfully submits that claim 4 is allowable for at least the same reasons as presented above in connection with claim 1.

IV. Claim 7 Rejected Under 35 U.S.C. § 103(a)

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McBrearty in view of U.S. Patent No. 5,265,159 to Kung (hereinafter, “Kung”). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

Claim 7 depends from claim 1. As discussed above, Applicant respectfully submits that claim 1 is allowable. Accordingly, Applicant respectfully submits that claim 7 is allowable for at least the same reasons as presented above in connection with claim 1.

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V. Conclusion

Applicant respectfully asserts that all pending claims are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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